

*S. Collins*

**MINUTES OF MEETING  
VILLAGE COMMUNITY  
DEVELOPMENT DISTRICT No 1**



The Meeting of the Board of Supervisors of the Village Community Development District No. 1 was held on Friday, July 13, 2012 at the District Office Board Room, 1894 Laurel Manor Drive, The Villages Florida, 32162.

Board members present and constituting a quorum:

Allie DeBenedittis	Chairman
Bill Mapel	Vice Chairman
Charlie Decker	Supervisor
Ellen Cora	Supervisor
Clyde Long	Supervisor

Staff Present:

Janet Tutt	District Manager
Diane Tucker	Administrative Operations Manager
Valerie Fuchs	District Counsel
Sam Wartinbee	District Property Management Director
Wade Watson	District Property Management Supervisor
David Miles	Finance Director
Barbara Kays	Budget Director
Jennifer McQueary	District Clerk
Brittany Wilson	Executive Assistant

**FIRST ORDER OF BUSINESS:**

**Call to Order**

A. Roll Call

Chairman DeBenedittis called the meeting to order at 8:00 a.m. and stated for the record that all Supervisors were present representing a quorum.

B. Pledge of Allegiance

The Chairman led the Pledge of Allegiance.

C. First Time Meeting Attendees

The Board welcomed all those residents in attendance at a District 1 Board Meeting for the first time.

D. Audience Comments

John Mundy, Cimarron Ave, stated his property backs up to Hudson Morse Parr Preserve and he and other residents have identified areas of bushes which have extended to the fence line and large groups of trees and bushes in the preserve which many residents believe to be a fire hazard and unsightly. Sam Wartinbee, District Property Management (DPM) Director, stated due to the drought there are nuisance exotic species within the preserve that have grown and since blocked the residents' view. Mr. Wartinbee explained the Wildlife Management Plan allows the District to complete three (3) five (5) foot mowings per year and one 15 foot mowing per year and advised to cut and swab the groupings of trees and bushes the residents are referring to would cost approximately \$2000.

Vice Chairman Mapel inquired how large of an area would need the maintenance. Mr. Wartinbee stated there are four (4) major areas in about a 30 ft. to 100 ft. radius. Janet Tutt, District Manager, advised Staff would have to receive a variance to complete the additional maintenance, as the preserve is a protected area.

Elaine Eisenhower presented pictures and a list of names of residents who are requesting the additional maintenance be completed. Ms. Eisenhower stated residents are concerned about the dry area becoming a fire hazard and the increased types of wildlife, such as bob cats, that have been seen in the area due to the brush.

Vice Chairman Mapel stated providing the additional cutting could set a precedence.

Chairman DeBenedittis stated the Board should review future requests on a case by case basis and believes the area in its current condition provides a great fire and dangerous animal hazard.

Chairman DeBenedittis suggested the Board take an opportunity to review the area. Vice Chairman Mapel concurred.

Brian Evans, Cadina Circle, stated this is the first time residents have requested the trimming of the taller vegetation.

Following additional audience comments, Chairman DeBenedittis stated she believes the Board need to address the concerns of the residents.

On MOTION by Clyde Long, seconded by Ellen Cora, with all in favor, the Board approved cutting and swabbing of the taller vegetation located in Hudson Morse Parr Preserve, not to exceed \$2000.

### Sumter County Sheriff's Office

Lt. Wolfe, Sumter County Sheriff's Office (SCSO) presented the Board with a listing of 322 citations issued to vehicle operators and 7 citations issued to golf cart operators during the time period of April 11, 2012 and July 8, 2012. Lt. Wolfe stated the SCSO has identified an increase in grandparents allowing children under the age of 14 to operate golf carts which has resulted in couple of accidents and citations being issued. The SCSO has taken a proactive approach to addressing this issue and has formed a cooperative effort with the District Recreation Department and providing instructional information and material for Camp Villages classes. Lt Wolfe responded to the Board's inquiries pertaining to underage golf cart operators.

### Additional Audience Comment:

Marilyn Turner Holley, De La Vista South, requested the Board remove an oak tree, located on District Property, which has caused property damage to her villa wall and concrete slabs in her yard.

Valerie Fuchs, District Counsel, advised the Board that the District has no liability for any damage caused by the tree because it would be considered an act of nature and advised the Board does not have to take action unless it is a dead or unhealthy tree, which is not an issue.

Chairman DeBenedittis inquired what ramifications removing the tree could cause. Mr. Wartinbee stated Staff would anticipate the Board receiving additional requests for removal of trees.

Following additional discussion, Ms. Tutt inquired if the tree roots could be addressed with a root barrier. Mr. Wartinbee stated a root barrier could be applied to the Morse Blvd. side of the villa wall for an estimated \$10 a foot. The average villa lot is 60 ft. wide, which would be an estimated \$600 total. Ms. Tutt stated it would be Staff's recommendation to install the root barrier in this instance.

On MOTION by Ellen Cora, seconded by Charlie Decker, with all in favor, the Board will install a root barrier to the Morse Blvd. side of the Villa Wall.

**Amenity Authority Committee Update**

At the request of Chairman DeBenedittis, Carl Bell, District 1 Representative of the Amenity Authority Committee (AAC) provide the Board with an update from the July 11, 2012 meeting:

- Presentation of Paradise Park Master Plan was made and the AAC. The AAC will review the plan in great depth during a future workshop.
- Video links of golf cart operators breaking gates have been posted to the [www.districtgov.org](http://www.districtgov.org) website.
- A consensus of the AAC was to maintain the deferral of amenity fees at \$155
- Additional Budget Workshops have been scheduled prior to the Budget Adoption in September.
- The AAC has approved funding of a raised path from Carrera Drive to De La Vista Postal not to exceed \$75,000
- The AAC is considering a funding request to provide additional parking at the Woodworkers Club; Staff is having an engineering study done.

Ms. Tutt stated based on the increased costs associated with the raised path from Carrera Avenue to the De La Vista Postal Facility Staff is requesting the Board approve an amended Interlocal Agreement to increase the maximum dollar amount of the project to \$75,000.

**On MOTION by Clyde Long, seconded by Ellen Cora with all in favor, the Board approved the agreement to increase the maximum dollar amount to \$75,000 for funding of the bridge from Carrera Drive to De La Vista Postal.**

Supervisor Long thanked the AAC and Staff for addressing the resident concerns.

**SECOND ORDER OF BUSINESS:**

**Approval of the Minutes for the Board Meeting held on June 8, 2012 and the Budget Workshop held on May 14, 2012**

**On MOTION by Charlie Decker, seconded by Bill Mapel, with all in favor, the Board approved the Minutes from the Board Meeting held on June 8, 2012 and the Budget Workshop held on May 14, 2012.**

**THIRD ORDER OF BUSINESS: Financial Statements as of June 30, 2012**

David Miles, Financial Director, reviewed the cash analysis prepared on June 27, 2012 that shows the District's investable balances as \$1,742,309 which were distributed among Citizens First Bank (CFB), State Board of Administration (SBA), the Florida Municipal Investment Trust (FMIT) 1-3 year bond fund account and the Florida Governmental Investment Trust (FLGIT) funds. The Budget to Actual Statements as of June 30, 2012 representing 75% of the fiscal year were provided to the Board identifying the District has received 99.91% of its budgeted resources and has received 100% of the budgeted maintenance assessments. The year-to-date expenditures are at 48.68%. Mr. Miles stated an unanticipated expenditure of \$2,380 will be made to release the liens associated with properties within Phase I. The District had a decrease to the Change in Net Assets in the amount of \$61,291 for the month of June and a positive year-to-date total of \$335,854.

**FOURTH ORDER OF BUSINESS: District Property Management Reports**

**A. Landscape Maintenance Update**

Wade Watson, DPM Supervisor, advised the Board of the following items:

- A work order has been submitted to address necessary maintenance within the wetlands.
- Fence replacement behind San Marino is almost complete. Once the installation is completed the necessary painting will be done.
- The next portion of fence to be replaced during the current fiscal year is near Unit 4.
- The annual change out will occur beginning the week of July 16, 2012.

Chairman DeBenedittis requested dead shrubs along Soledad Way be removed. Mr. Watson stated the shrubs would be removed.

**B. Water Retention Status Update**

The Water Treatment Report was provided to the Board.

**FIFTH ORDER OF BUSINESS: Appeal of Architectural Review Committee Denial of Alteration Application #12-41959**

**A. Staff Overview and Recommendation**

Diane Tucker, Administrative Operations Manager, advised the information provided to the Board is an Appeal of the Architectural Review Committee (ARC) denial of Modification/Alteration Application # 12-41959, submitted by Janet Gold, 1325 Santa Maria Avenue. On April 19, 2012 an application was submitted for the installation of a screen cage over an existing pool. The ARC denied the application based on Article 6, Section 5, of the deed restrictions which states, "Easements for the installation and maintenance of wall fencing and easements for the installation and maintenance of a storm water runoff drainage system are hereby reserved over a strip of land seven (7) feet wide running along the back lot line of each lot in the subdivision..." Ms. Tucker advised the deed restriction does differ from the information included within the District 1 ARC Manual which states: "Screen rooms and birdcages can be built five (5) feet from the rear property line regardless of the building set back line." Ms. Tucker stated Ms. Gold submitted a letter appealing the ARC decision on June 1, 2012.

Ms. Fuchs stated the District's adopted Rule provides for a 7 foot easement as stated in the deed restriction and advised the District's ARC manual would need to be revised to accurately reflect the deed restrictions.

**B. Open Public Hearing to Received Public Comment**

Chairman DeBenedittis opened the public hearing at 8:59 a.m. to receive public input.

Janet Gold, Santa Maria Avenue, advised the Board she installed her pool approximately two (2) years ago but was unable to finish the screen cage due to health reasons. Ms. Gold stated there are many other homes within the villa unit which do not abide by the 7 foot setback and believes she is being penalized because of the new ARC process in place.

Cliff Moore, White Aluminum, stated in his 22 years working in The Villages, he has received approval for screen cages in villas utilizing the five foot setback, two of them in the same development Ms. Gold lives in. When the pool was built, it was built with the intent a screened cage could be installed around the pool.

Vice Chairman Mapel inquired how far the pool was from the setback line. Mr. Moore stated the pool ends at 7 ½ feet which would allow a border of less than six inches from the screen cage to the pool.



Chairman DeBenedittis inquired who chose the seven feet rule and if the deed restrictions could be changed. Ms. Fuchs stated the Board has no jurisdiction to change deed restrictions, but could review the enforcement aspect prior the Board making a determination.

Chairman DeBenedittis inquired if the Rules could be changed. Ms. Fuchs stated the deed restriction is a contract between the property owner and Developer and Chapter 190 does not provide the District the ability to change the contract; therefore, certain sections have been adopted regarding external deed restrictions, which the Board has chosen to enforce. The Board has the right to amend the Rules to enforce only those deed restriction it chooses to do so; however, the enforcement of the deed restrictions must be done so fairly throughout the District.

C. Close Public Hearing

Hearing no other public input, Chairman DeBenedittis closed the public hearing at 9:14 a.m.

D. Board Recommendation

**On MOTION by Clyde Long, seconded Bill Mapel, with all in favor, the Board has tabled the item until the following Board Meeting on August 10, 2012 at 8:00 a.m.**

**CONSENT AGENDA:**

Chairman DeBenedittis advised the Board, a motion to approve the Consent Agenda is a motion to approve all recommended actions. All matters on the Consent Agenda are considered routine and no discussion will occur unless desired by a Board Member.

**On MOTION by Clyde Long, seconded by Ellen Cora, with all in favor, the Board approved the following items on Consent Agenda:**  
**SIXTH ORDER OF BUSINESS:** Adopted Resolution 12-08 accepting the transfer of the Morse Blvd Multi-Modal Cart Path improvements in the amount of \$653,331.03.  
**SEVENTH ORDER OF BUSINESS:** Accepted the Grant of Easement from the Villages of Lake-Sumter, Inc.

**EIGHTH ORDER OF BUSINESS:**      **Board Consideration: Participation in Deed Compliance Joint Workshop**

Ms. Tutt stated Staff is respectfully requesting this issue not be addressed during today's meeting and requests the Committee approve participation in a joint workshop at the Laurel Manor Recreation Center on Monday, July 30, 2012 at 9 a.m. with the AAC and Districts 2 - 5 at which time Staff will provide an overview of the actual events which have occurred to date and provide the ability for the Boards to hold open discussion. Following the workshop this item will be placed on the August agenda for the Board to consider how to address signage in each individual District.

**On MOTION by Charlie Decker, seconded by Clyde Long, with all in favor, the Board agreed to participate in a joint workshop with Village Community Development Districts No. 1-5 to be held Monday, July 30, 2012 9:00 a.m. at the Laurel Manor Recreation Center, 1985 Laurel Manor Drive, The Villages, FL.**

**NINTH ORDER OF BUSINESS:                      Board Consideration: August Budget Workshop**

Barbara Kays, Budget Director, requested the Board approve scheduling an additional Budget Workshop on August 30, 2012 at 8:00 a.m.

**On MOTION by Clyde Long, seconded by Ellen Cora, with all in favor, the Board scheduled a Budget Workshop for August 30, 2012 at 8:00 a.m. in the District Office Board room.**

**TENTH ORDER OF BUSINESS:                      Old Business Status Update**

There were no old business items to be addressed.

**ELEVENTH ORDER OF BUSINESS:      Staff Reports**

A.      Amenity Authority Committee Update

This item was previously addressed.

**TWELFTH ORDER OF BUSINESS:      District Counsel Reports**

There were no District Counsel Reports.

**THIRTEENTH ORDER OF BUSINESS: Supervisor Comments**





Chairman DeBenedittis stated the Board should continue to be considerate of the resident's requests.

**FOURTEENTH ORDER OF BUSINESS: Adjourn**

The meeting was adjourned at 9:25 a.m.

<b>On MOTION by Clyde Long, seconded by Ellen Cora, with all in favor, the Board adjourned the meeting.</b>
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Janet Y. Yutt  
Secretary

  
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Allie DeBenedittis  
Chairman